



CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.

BY:

Renzo Conti

Date:

November 4, 2004

MAIL STOP AMENDMENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application Of:

Suzushi Nishimura

Conf. No.: 6419

Group Art Unit: 1774

Appln. No.: 10/037,215

Examiner: Elizabeth Evans Mulvaney

Filing Date: October 19, 2001

Attorney Docket No.: 8305-214US (NP091-1)

Title: OPTICAL LAMINATE

REQUEST FOR RECONSIDERATION

This is in response to the Office Action dated May 4, 2004 (Paper No. 20040427) in the above-identified patent application. This response is being timely filed by November 4, 2004, in view of the accompanying Petition for Extension of Time (three months).

Claims 1-9 are presently pending in the application.

The Examiner has rejected claims 1-9 under the judicially created doctrine of obviousness-type doubling patenting as being unpatentable over claims 1-7 of U.S. Patent 6,627,270 and also as being unpatentable over claims 1, 7, 8, 17 and 18 of U.S. Patent 6,671,031. In both cases, the Examiner acknowledges that the conflicting claims are not identical, but she contends that the claims are not patentably distinct because they disclose the same cholesteric liquid crystal film used in an optical element and method of forming a diffraction grating. The Examiner further recognizes that the claims do not disclose the specific uses (ornamental, forgery-prevention, etc.), but notes that these uses are disclosed when looking to the specification to define "optical element."

While not necessarily agreeing with the Examiner's rejections and the arguments in support thereof, Applicant submits herewith a Terminal Disclaimer and Statement of Common Ownership, which terminally disclaims the part of the statutory term of any patent granted on the

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Reply to Office Action of May 4, 2004

present application which would extend beyond the expiration date of the full statutory term of the two prior patents. Accordingly, in view of this Terminal Disclaimer and Statement of Common Ownership, the two obviousness-type double patenting rejections are overcome, and reconsideration and withdrawal of the rejections are respectfully solicited.

In view of the above and the enclosures, it is submitted that the application is now in full condition for allowance, and an early notice to that effect is requested.

Respectfully submitted,

Nippon Mitsubishi Oil Corporation

November 4, 2004

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Enclosures – Petition for Extension of Time (three months)
Terminal Disclaimer and Statement of Common Ownership
Terminal Disclaimer Transmittal Letter